

**REMARKS**

Claims 1-6 are pending. Applicants respectfully submit no new material is presented herein.

**Claims 1-6 Recite Patentable Subject Matter**

Claims 1-6 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 4,194,265 to Zimmermann. Applicants respectfully traverse the rejection.

Claim 1 recites a door checker for an automobile including, among other features a pair of ball holders accommodated in a case that are capable of advancing and retracting toward and away from the opposite sides of a check plate; hemispherical ball housings formed in the ball holders which retain a pair of balls therein; and a check spring for biasing the ball holders toward the check plate.

Applicants respectfully submit Zimmermann fails to disclose or suggest any of these features.

Applicants note the Office Action asserts Zimmermann discloses a pair of ball holders or ends (103, 124) that are accommodated in the case (101) and are capable of advancing and retracting away from guide grooves (114). Applicants respectfully point out Claim 1 recites the ball holders are capable of advancing and retracting toward and away from opposite sides of the check plate, not guide grooves. Therefore, even if the ball holders (103, 124) of Zimmermann could advance and retract, Applicants respectfully submit the ball holders (103, 124) would need to advance and retract toward and away from the steering arm or check plate (102) so as to correspond to the feature recited by Claim 1. Moreover, Applicants respectfully dispute the assertion that

Zimmermann discloses the ball holders or ends (103, 124) advance and retract toward and away from anything. Rather, Applicants respectfully note Zimmermann clearly discloses the sleeve (103) and cylindrical part (124) disposed adjacent thereto do not move. For the sleeve (103) and cylindrical part (124) to move, they would need to be biased by one of the helical springs (104, 127) or by rotation of the balls (105, 105). Applicants respectfully submit Zimmermann fails to provide any disclose or remote suggestion of either one of the sleeve (103) or cylindrical part (124) moving, i.e., advancing and retracting toward and away from opposite sides of the steering arm or check plate (102).

With respect to the feature recited by Claim 1 wherein hemispherical ball housings formed in the ball holders retain a pair of balls therein, Applicants respectfully note Claim 1 recites the ball housings are formed in the ball holders. The Office Action states Zimmermann discloses ball housing (109) that are formed with the ball holders (103, 124). Applicants respectfully point out the Office Action mischaracterizes the teachings of Zimmermann when in fact the side walls (109) of the housing (101) having bent portions (110) are not provided in the ball holders (103, 124). Applicants submit that it appears as if the ball holders (103, 124) are provided within the side walls (103) of the housing (101) rather than the side walls (109) being provided in the ball holders (103, 124). Applicants respectfully submit Zimmermann fails to disclose or remotely suggest the sleeve (103) or cylindrical part (124) being provided in the ball holders (103, 124).

Finally, with respect to Claim 1 reciting the feature of a check spring biasing the ball holders toward the check plate, Applicants respectfully submit that not one of the

two helical springs (104 and 127) disclosed by Zimmermann biases either one of the ball holders (103 or 124) toward the steering arm or check plate (102). Rather, the springs (104 and 127) extend between and bias the balls (105, 105) toward and away from each other. The springs (104 and 127) do not bias or otherwise move the ball holders (103, 124) toward the steering arm or check plate (102).

The Applicants respectfully, but forcefully, submit Zimmermann fails to teach or suggest a pair of ball holders accommodated in a case that are capable of advancing and retracting toward and away from the opposite sides of a check plate; hemispherical ball housings formed in the ball holders which retain a pair of balls therein; and a check spring for biasing the ball holders toward the check plate.

To qualify as prior art under 35 U.S.C. §102, a single reference must teach, i.e., identically disclose, each feature of a rejected claim.

As explained above, Zimmermann does not appear to disclose or suggest each and every feature recited by Claim 1 since Zimmermann fails to teach or suggest a pair of ball holders accommodated in a case that are capable of advancing and retracting toward and away from the opposite sides of a check plate; and/or hemispherical ball housings formed in the ball holders which retain a pair of balls therein; and/or a check spring for biasing the ball holders toward the check plate.

Thus, Applicants respectfully submit Claim 1 is not anticipated by nor rendered obvious in view of Zimmermann and should be deemed allowable.

Claims 2-6 depend from Claim 1. Therefore, Applicants respectfully submit Claims 2-6 should be deemed allowable for at least the same reasons Claim 1 is allowable, as well as for the additional subject matter recited therein.

Applicants respectfully request withdrawal of the rejection.

**Conclusion**

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding rejection, allowance of Claims 1-6, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 107348-00354.**

Respectfully submitted,  
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